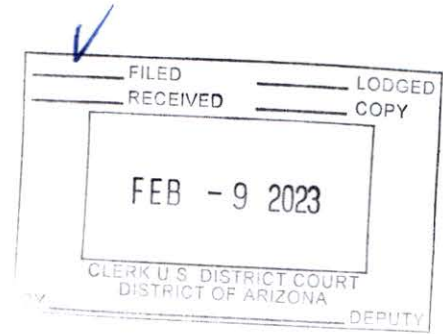


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3 District of Arizona
4 ASHLEY CULVER
5 Assistant U.S. Attorney
6 State Bar No. 028016
7 United States Courthouse
8 405 W. Congress Street, Suite 4800
9 Tucson, Arizona 85701
10 Telephone: 520-620-7300
11 Email: ashley.culver@usdoj.gov
12 Attorneys for Plaintiff



13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA

15 United States America,

16 Plaintiff,

17 vs.

18 Sean Lee Arnold,

19 Defendant.

CR 21-02521-TUC-JAS (DTF)

PLEA AGREEMENT

20 The United States of America and the defendant agree to the following disposition
21 of this matter:

22 PLEA

23 1. The defendant agrees to plead guilty to Counts One and Three of the
24 Indictment, which charges the defendant with a felony violation of 21 U.S.C. §§ 841(a)(1),
25 (b)(1)(A)(viii), and 846, Conspiracy to Possess with Intent to Distribute
26 Methamphetamine, and 18 U.S.C. §§ 922(g)(1), 924(a)(2), Possession of a Firearm and
27 Ammunition by a Convicted Felon. The remaining counts in the Indictment will be
28 dismissed at sentencing.

Elements of the Offense

2(a). The elements of Conspiracy to Possess with Intent to Distribute
Methamphetamine are as follows:

1 (1). The defendant agreed with at least one other person to commit the
2 crime of Possession with Intent to Distribute Methamphetamine;

3 (2). The defendant became a member of the conspiracy knowing that its
4 object was the Possession of Methamphetamine with Intent to Distribute and intending to
5 accomplish said object.

6 As a sentencing factor, the government would be required to prove that the
7 quantity of methamphetamine possessed was 50 grams or more of methamphetamine, or
8 500 grams or more of a mixture or substance containing a detectable amount of
9 methamphetamine (approximately 1.35 kilograms of "actual" methamphetamine).

10 2(b). The elements of Possession of a Firearm and Ammunition by a Convicted
11 Felon are as follows:

12 (1) The defendant knowingly possessed a firearm and ammunition;

13 (2) At the time the defendant possessed the firearm and ammunition, he
14 had been previously convicted of a crime punishable by imprisonment for a term exceeding
15 one year;

16 (3) At the time the defendant possessed the firearm and ammunition, he
17 knew he had been previously convicted of a crime punishable by imprisonment for a term
18 exceeding one year; and

19 (4) The firearm and ammunition affected commerce in that they were
20 previously transported into the state of Arizona from another state or foreign country.

21 Maximum Penalties

22 3. The defendant understands that the maximum penalties are:

23 (a). Count One: A fine of \$10,000,000.00, a term of life imprisonment
24 with a mandatory minimum term of ten (10) years, or both, and a term of between five (5)
25 years and lifetime supervised release.

26 (b). Count Three: A maximum fine of \$250,000.00, a maximum term of
27 imprisonment of ten (10) years, or both, and a term of supervised release of not more than
28 three (3) years.

1 4. The defendant agrees to pay a fine unless the defendant establishes the
2 applicability of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

3 5. Pursuant to 18 U.S.C. § 3013, the defendant shall pay a special assessment
4 of \$100.00 per felony count. The special assessment is due and payable at the time the
5 defendant enters the plea of guilty and shall be paid no later than the time of sentencing
6 unless the defendant is indigent. If the defendant is indigent, the special assessment will
7 be collected according to the provisions of Chapters 227 and 229 of Title 18, United States
8 Code.

9 Drug Conviction & Immigration Consequences

10 6. The defendant understands and acknowledges that pleading guilty may result
11 in the termination or denial of certain food stamp, social security, and other benefits for
12 defendant and the defendant's immediate family pursuant to 21 U.S.C. §§ 862 and 862a.

13 7. The defendant recognizes that pleading guilty may have consequences with
14 respect to his/her immigration status if the defendant is a recently naturalized United States
15 citizen or is not a citizen of the United States. Under federal law, a broad range of crimes
16 are removable offenses, including the offense(s) to which defendant is pleading guilty.
17 Although there may be exceptions, the defendant understands that the defendant's guilty
18 plea and conviction for this offense make it practically inevitable and a virtual certainty
19 that the defendant will be removed or deported from the United States. The defendant
20 agrees that he/she has discussed this eventuality with his/her attorney. The defendant
21 nevertheless affirms that he/she wants to plead guilty regardless of any immigration
22 consequences that this plea entails, even if the consequence is the defendant's automatic
23 removal from the United States.

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11. The parties agree that the defendant was an **average** participant in the offense for the purpose of role analysis under U.S.S.G. §§ 3B1.1 and 3B1.2.

12. In exchange for the defendant's guilty plea on the terms and conditions herein, the government will not pursue any additional drug or firearm charges against the defendant in the District of Arizona prior to August 31, 2021, that arose from the defendant's participation in the conspiracy alleged in Count One of the Indictment.

13. The defendant and the government agree that this agreement does not in any manner restrict the actions of the government in any other district or bind any other United States Attorney's Office.

14. The defendant understands and agrees to cooperate fully with the United States Probation Office in providing (a) all criminal history information, i.e., all criminal convictions as defined under the Sentencing Guidelines; (b) all financial information, i.e., present financial assets or liabilities that relate to the ability of the defendant to pay a fine or restitution; (c) all history of drug abuse which would warrant a treatment condition as part of sentencing; and (d) all history of mental illness or conditions which would warrant a treatment condition as part of sentencing.

15. If the Court, after reviewing this plea agreement, concludes any provision is inappropriate, it may reject the plea agreement pursuant to Rule 11(c)(5), Fed. R. Crim. P., giving the defendant, in accordance with Rule 11(d)(2)(A), Fed. R. Crim. P., an opportunity to withdraw defendant's guilty plea.

Forfeiture

AGREEMENT AS TO FORFEITURE

16(a). Defendant acknowledges the Bureau of Alcohol, Tobacco, Firearms and Explosives administratively forfeited one Marlin Firearms Company, J.C. Higgins, model 100, .22 caliber rifle and one round of .38 ammunition, and U.S. Customs and Border Protection administratively forfeited the \$3800 in U.S. currency.

(b). Defendant knowingly and voluntarily waives all constitutional, legal and equitable defense to the forfeiture of the assets in any proceeding. Defendant agrees to

1 waive any jeopardy defense or claim of double jeopardy, whether constitutional or statutory
2 and agrees to waive any claim or defense under the Eighth Amendment to the United States
3 Constitution, including any claim of excessive fine, to the forfeiture of the assets by the
4 United States.

5 (c). Defendant knowingly and voluntarily agrees to hold the United States, its
6 agents and employees harmless from any claims whatsoever in connection with the seizure
7 or forfeiture of the above-listed assets.

8 Waiver of Defenses and Appeal Rights

9 17. Provided the defendant receives a sentence in accordance with this plea
10 agreement, the defendant waives (1) any and all motions, defenses, probable cause
11 determinations, and objections that the defendant could assert to the indictment or
12 information; and (2) any right to file an appeal, any collateral attack, and any other writ or
13 motion that challenges the conviction, an order of restitution or forfeiture, the entry of
14 judgment against the defendant, or any aspect of the defendant's sentencing-including the
15 manner in which the sentence is determined, the determination whether defendant qualifies
16 for "safety valve" (U.S.S.G. § 5C1.2 and 18 U.S.C. § 3553(f)), and any sentencing
17 guideline determinations. The defendant further waives: (1) any right to appeal the Court's
18 entry of judgment against defendant; (2) any right to appeal the imposition of sentence
19 upon defendant under Title 18, United States Code, Section 3742 (sentence appeals); (3)
20 any right to appeal the district court's refusal to grant a requested variance; (4) any right to
21 collaterally attack defendant's conviction and sentence under Title 28, United States Code,
22 Section 2255, or any other collateral attack; and (5) any right to file a motion for
23 modification of sentence, including under Title 18, United States Code, Section 3582(c)
24 (except for the right to file a compassionate release motion under 18 U.S.C. §
25 3582(c)(1)(A) and to appeal the denial of such a motion). The defendant acknowledges
26 that this waiver shall result in the dismissal of any appeal or collateral attack the defendant
27 might file challenging his/her conviction or sentence in this case. If the defendant files a
28 notice of appeal or a habeas petition, notwithstanding this agreement, defendant agrees that

1 this case shall, upon motion of the government, be remanded to the district court to
2 determine whether defendant is in breach of this agreement and, if so, to permit the
3 government to withdraw from the plea agreement. This waiver shall not be construed to
4 bar an otherwise-preserved claim of ineffective assistance of counsel or of "prosecutorial
5 misconduct" (as that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

6 Reinstitution of Prosecution

7 18. Nothing in this agreement shall be construed to protect the defendant in any
8 way from prosecution for perjury, false declaration or false statement, or any other offense
9 committed by the defendant after the date of this agreement. In addition, if the defendant
10 commits any criminal offense between the date of this agreement and the date of
11 sentencing, the government will have the right to withdraw from this agreement. Any
12 information, statements, documents and evidence which the defendant provides to the
13 United States pursuant to this agreement may be used against the defendant in all such
14 proceedings.

15 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any
16 court in a later proceeding, the government will be free to prosecute the defendant for all
17 charges as to which it has knowledge, and any charges that were dismissed because of this
18 plea agreement will be automatically reinstated. In such event, the defendant waives any
19 objections, motions, or defenses based upon the Speedy Trial Act or the Sixth Amendment
20 to the Constitution as to the delay occasioned by the later proceedings. Defendant agrees
21 that the stipulated sentencing ranges set forth under "Agreements Regarding Sentence" will
22 not be offered if prosecution is re-instituted.

23 Plea Addendum

24 19. This written plea agreement, and any written addenda filed as attachments to
25 this plea agreement, contain all the terms and conditions of the plea. Any additional
26 agreements, if any such agreements exist, shall be recorded in a separate document and
27 may be filed with the Court under seal. Accordingly, additional agreements, if any, may
28 not be in the public record.

1 WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

2 Waiver of Rights

3 I have read each of the provisions of the entire plea agreement with the assistance
4 of counsel and understand its provisions. I have discussed the case and my constitutional
5 and other rights with my attorney. I understand that by entering my plea of guilty I will be
6 giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and
7 compel the attendance of witnesses; to present evidence in my defense; to remain silent
8 and refuse to be a witness against myself by asserting my privilege against self-
9 incrimination; all with the assistance of counsel; to be presumed innocent until proven
10 guilty beyond a reasonable doubt; and to appeal.

11 I agree to enter my guilty plea as indicated above on the terms and conditions set
12 forth in this agreement.

13 I have been advised by my attorney of the nature of the charge to which I am entering
14 my guilty plea. I have been advised by my attorney of the nature and range of the possible
15 sentence, and that I will not be able to withdraw my guilty plea if I am dissatisfied with the
16 sentence the court imposes.

17 My guilty plea is not the result of force, threats, assurances or promises other than
18 the promises contained in this agreement. I agree to the provisions of this agreement as a
19 voluntary act on my part, rather than at the direction of or because of the recommendation
20 of any other person, and I agree to be bound according to its provisions. I agree that any
21 Sentencing Guidelines range referred to herein or discussed with my attorney is not binding
22 on the Court and is merely an estimate.

23 I agree that this written plea agreement contains all the terms and conditions of my
24 plea and that promises made by anyone (including my attorney) that are not contained
25 within this written plea agreement are without force and effect and are null and void.

26 I am satisfied that my defense attorney has represented me in a competent manner.
27
28

1 I am not now on or under the influence of any drug, medication, liquor, or other
2 intoxicant or depressant, which would impair my ability to fully understand the terms and
3 conditions of this plea agreement.

4 Factual Basis and Relevant Conduct

5 I further agree that the following facts accurately describe my conduct in connection
6 with the offense to which I am pleading guilty and that if this matter were to proceed to
7 trial the government could prove the elements of the offense beyond a reasonable doubt:

8
9 Prior to August 31, 2021, the defendant, Sean Lee Arnold, was convicted of
10 multiple crimes punishable by a term of imprisonment exceeding one year.
11 The defendant was present when he was convicted and sentenced to terms
12 exceeding one year for these crimes, and he was aware he had such
13 convictions.

14 From a time unknown until on or about August 31, 2021, at or near Tucson,
15 in the District of Arizona, Sean Lee Arnold conspired with others known and
16 unknown to possess methamphetamine with the intent to distribute. On
17 August 31, 2021, law enforcement agents served a search warrant on the
18 defendant's residence. The defendant was inside of his residence, and agents
19 found approximately 1.35 kilograms of actual methamphetamine and \$3800
20 US currency in a backpack and metal case next to the defendant's bed.
21 Agents also found one Marlin Firearms Company, J.C. Higgins, model 100,
22 .22 caliber rifle and one round of .38 ammunition on a dresser by the foot of
23 the defendant's bed. The defendant knew the methamphetamine was
24 imported from Mexico, and the defendant received the methamphetamine
25 from another known drug trafficker with the intent to distribute.

26 The Marlin Firearms Company, J.C. Higgins, model 100, .22 caliber rifle and
27 one round of .38 ammunition were manufactured outside of the state of
28 Arizona, and thus affected interstate or foreign commerce.

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s/ SEAN ARNOLD

Date

SEAN LEE ARNOLD
Defendant

DEFENSE ATTORNEY'S APPROVAL

I have discussed this case and the plea agreement with my client in detail and have
advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
constitutional and other rights of an accused, the factual basis for and the nature of the

1 offense to which the guilty plea will be entered, possible defenses, and the consequences
2 of the guilty plea, including the defendant's waiver of the right to appeal. No assurances,
3 promises, or representations have been given to me or to the defendant by the government
4 or by any of its representatives which are not contained in this written agreement. I concur
5 in the entry of the plea as indicated above and on the terms and conditions set forth in this
6 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure
7 that the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R.
8 Crim. P.

9
10 FEBRUARY 9, 2023

s/MARK R. RESNICK

11 _____
Date

12 _____
MARK RESNICK
Attorney for Defendant

13 GOVERNMENT'S APPROVAL

14 I have reviewed this matter and the plea agreement. I agree on behalf of the United
15 States that the terms and conditions set forth are appropriate and are in the best interests of
16 justice.

17 GARY M. RESTAINO
United States Attorney
District of Arizona

18 ASHLEY
19 CULVER

Digitally signed by
ASHLEY CULVER
Date: 2023.02.08
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20 _____
Date

21 ASHLEY CULVER
22 Assistant U.S. Attorney
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